

Serial No. **09/998,412**

Docket No. **K-0345**

Amdt. dated March 6, 2006

Reply to Office Action of December 6, 2005

### **REMARKS**

By the present response, Applicant has canceled claims 6-9 and 13-67 without disclaimer. Further, Applicant has amended claims 1, 3 and 5 to further clarify the invention. Claims 1-5 and 10-12 remain pending in the present application.

In the Office Action, claims 9-14 (sic) are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected invention. Claims 1, 3, and 5 have been rejected under 35 U.S.C. § 112, second paragraph. Claim 11 (sic) has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,324,522 (Peterson et al.). Claims 1-5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. in view of U.S. Patent No. 6,085,171 (Leonard). Claims 11-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. in view of U.S. Patent No. 5,963,915 (Kirsch).

### **Response to Amendment and Arguments**

In the "Response to Amendment and Arguments" portion of the Office Action on page 2, the Examiner seems to provide justification for his assertion that Applicants' traversal of the Restriction Requirement on the grounds that undo searching should not be required is not found persuasive. However, the Examiner appears to have used arguments from a different application since the inventions, associated claims and associated limitations mentioned in this portion of the office Action do not relate to the claims of the present application. Further, the

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Examiner appears to erroneously state that “claims 9-14 are withdrawn from further consideration . . . .” Applicant assumes that the Examiner meant claims 6-9 and 13-67.

35 U.S.C. § 112 Rejections

Claims 1, 3, and 5 have been rejected under 35 U.S.C. § 112, second paragraph. Applicants have amended these claims to further clarify the invention and respectfully request that these rejections be withdrawn.

35 U.S.C. § 102 Rejections

Claim 10 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Peterson et al. Applicants respectfully traverse this rejection.

Peterson et al. discloses a process for distributing items, especially industrial maintenance repair and operating (MRO) parts and supplies that includes providing a plurality of vendors for selling the item, an information network by which vendors can communicate to the other vendors a current inventory quantity and a current price of the item each of the vendors has for sell, and establishing an agreement among the vendors in which a first vendor agrees to sell to a second vendor, upon demand at a future point in time, up to the then current inventory quantity of the item at the then current price communicated over the information network by the first vendor to the second vendor.

The Examiner asserts that Peterson et al. discloses a database server configured to store information about a plurality of dealing companies, credit information for each of a plurality of

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dealing companies, and order restriction information of a plurality of products, at col. 41, lines 51-61, and Figures 13-16. However, these portions merely disclose details regarding the electronic commerce function for vendors that enable vendors to be able to upload their data files to the database server and to maintain a download directory of orders, quotes and notes that the vendors will be downloading, as well as allowing the vendors to purge out files that they have already downloaded. These portions do not disclose or suggest a database server configured to store information about a plurality of dealing companies, credit information for each of the plurality of dealing companies, and order restriction information of a plurality of products, as recited in the claims of the present application. These portions of Peterson et al. merely disclose that via an electronic commerce function, a vendor can upload and download data files. These portions do not disclose or suggest anything related to a database server storing credit information for dealing companies and order restriction information of a plurality of products.

Accordingly, Applicants submit that Peterson et al. does not disclose or suggest the limitations in the combination of claim 10 of the present application. Applicants respectfully request that this rejection be withdrawn and that this claim be allowed.

#### 35 U.S.C. § 103 Rejections

Claims 1-5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. in view of Leonard. Applicants respectfully traverse these rejections.

Leonard discloses a system for processing an order to change communication service that includes a client that receives order data and an authorization image associated with a customer that desires to change communication service. The system also includes a server coupled to the client using a communication network. The server receives the order data and the authorization image from the client, generates a service request using the order data and initiates communication of the service request to a communication service provider of the customer to change communication service.

Regarding claim 1, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of this claim. For example, the Examiner asserts that Peterson et al. discloses a database server configured to store information, at col. 41, lines 51-61 and Figures 13-16. However, as noted previously, these portions merely disclose the electronic commerce function that allows vendors to upload and download data files to a database server. These portions do not disclose or suggest a database server configured to store information related to products for sale, order errors, and order-available products for the respective dealing companies.

The Examiner further asserts that Peterson et al. discloses an order control server as recited in claim 1, in Figure 11. However, Figure 11 merely discloses a flowchart detailing a download function of the information network that enables off-line access to network information. These portions do not disclose or suggest an information acquisition server,

coupled to the database server and configured to acquire information about each of the plurality of dealing companies and to register the acquired information on the database server, as recited in the claims of the present application. These portions are merely a flowchart illustrating a download function and do not disclose or suggest anything related to an information acquisition server.

The Examiner admits that Peterson et al. does not disclose or suggest the database server configured to store information relating to order errors, or an order control server configured to gather information about the respective order error items stored in the database server, and to determine whether the error of the corresponding order is correct, and to execute a selective order control in accordance with the determination, but asserts that Leonard discloses these limitations in col. 1, lines 39-45, col. 2, lines 16-24 and Figure 5. However, these portions merely disclose that a connection between an agent and a server is used to check for many of the commonly encountered errors in order data, to submit orders electronically, and update the agents order entry software, and that the connection allows the server to quickly communicate errors that it detects in the orders to the client for correction. However, this is not a database server configured to store information relating to product order errors, as recited in the claims of the present application. Further, these portions do not disclose or suggest an order control server configured to gather information about respective product order error items noted in the database server, or execute a selective order control in accordance with determining whether an

error of corresponding product order is correct. Leonard relates to processing an order to change communication service. Leonard does not disclose or suggest anything related to an order or product order error. Leonard is directed to allowing a client to change a service, specifically a communication service.

Regarding claims 2-5, Applicants submit that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 1-5 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Claims 11 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. in view of Kirsch. Applicants respectfully traverse these rejections.

Kirsch discloses a purchase transaction being performed between a client browser and a merchant server over a general access wide area connected network. The transaction appears to the client as singularly identifying a purchasable product or service and singularly confirming the purchase. A persistent predetermined coded identifier is established on the client browser corresponding to an account record stored by the merchant server. A predetermined URL referencing a purchasable product or service is served to the client browser and includes an

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implicit reference to the persistent predetermined coded identifier. In response to a client browser selection, the merchant server receives the predetermined URL and validates the predetermined coded identifier against the account record and records an identifier of the purchasable product or service as derived from the predetermined URL by the merchant server.

Regarding claims 11 and 12, Applicants submit that these claims are dependent on independent claim 10 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim. Applicants submit that Kirsch does not overcome the substantial defects noted previously regarding Peterson et al.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose suggest or render obviously the limitations in the combination of each of claims 11 and 12 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

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### **CONCLUSION**

In view of the foregoing Amendments and remarks, Applicants submit that claims 1-5 and 10-12 are now in consideration for allowance. Accordingly, early allowance is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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